UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/798,505 | 03/11/2004 | Keisuke Aoyama | 600052-0000 (B75163D) | 6391 |

33649 7590 02/21/2006

Mr. Christopher John Rourk
GODWIN PAPPAS LANGLEY RONQUILLO LLP
1201 Elm Street, Renaissance Tower
DALLAS, TX 75270

| EXAMINER | |
|---|---|
| MEINECKE DIAZ, SUSANNA M | |
| **ART UNIT** | **PAPER NUMBER** |
| 3623 | |

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/798,505 | AOYAMA ET AL. | |
| | Examiner | Art Unit | |
| | Susanna M. Diaz | 3623 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *04 January 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *11-14,21-36 and 38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11-14,21-36 and 38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

1. This final Office action is responsive to Applicant's amendment filed January 4, 2006.

Claims 11, 12, and 21 have been amended.

Claim 37 has been cancelled.

Claim 38 has been amended.

Claims 11-14, 21-36, and 38 are presented for examination.

### *Response to Arguments*

2. Applicant's arguments filed January 4, 2006 have been fully considered but they are not persuasive.

As per claim 11, Applicant argues that "the meaning of reverse logistics in Yang is only for the return of defective parts or parts that are otherwise returned for replacement or repair" while Applicant's specification discloses that the recited reverse logistics means for generating transfer data "relates to transferring undamaged product between warehouses, to a controller, or from a distribution center to a warehouse or controller." (Pages 6-7 of Applicant's response) First, as admitted by Applicant, invoked means-plus-function limitations only require that the corresponding structure be read into the claim limitations from the specification. The structure corresponding to the reverse logistics means for transferring is a computer implemented with software. Therefore, any working computer (such as that disclosed in Yang) anticipates the structure corresponding to the means for transferring. Furthermore, a special definition

must be limiting and clearly define the exact metes and bounds of the specially defined term. Providing non-limiting examples of what a given phrase may include does not constitute a special definition. There is no special definition of "reverse logistics" in Applicant's specification; therefore, the recited phrase "reverse logistics" is given its broadest reasonable interpretation.

A similar analysis applies to Applicant's arguments regarding claim 21 (page 7 of Applicant's response).

Regarding claim 26, Applicant argues:

> ...Yang only discloses that reverse logistics are used to return defective parts or parts that require replacement or repair, and nowhere suggests that reverse logistics can be used to modify a distribution of inventory at a first warehouse and a second warehouse. In fact, Yang teaches away from such reverse logistics, as described at paragraph [0037] – "excess can be transferred to one or more other stocking locations." Yang does not use distribution center inventory data as part of the generation of reverse logistics data to modify a distribution of inventory at a first warehouse and a second warehouse, instead, it transfers excess from a first stocking location to one or more stocking locations... (Page 7 of Applicant's response)

The Examiner respectfully disagrees. ¶ 21 of Yang states that "returned service parts may be processed through a 'reverse logistics' or other returns supply chain **28** for eventual insertion back into the supply chain...The returned service parts thus typically flow backward within the returns supply chain **28** from customer **16** through one or more distribution centers **24**." ¶ 37 of Yang explains that inventory excesses at one stocking location (or first warehouse) may be resolved by transferring the excess inventory to another stocking location (or second warehouse). Since returned products may be

reintegrated into the supply chain, it is understood that the reverse logistics data contributes to the assessment of excess inventory at stocking locations throughout the supply chain, thereby addressing the language of claim 26.

In reference to claim 31, Applicant states that claim 31 has "nothing to do with an internal warehouse looking to an external warehouse if supply is unavailable internally – giving priority to maintaining predetermined inventory levels at the first warehouse is unrelated to an internal warehouse looking to an external warehouse if supply is unavailable internally, and would be used to prevent the need for an internal warehouse to look to an external warehouse if supply is unavailable internally." (Page 8 of Applicant's response) First, it should be noted that who operates the first and second warehouses does not affect any recited structure or functionality and therefore merits no patentable weight, thus rendering Applicant's argument moot. Second, even if such a limitation did merit patentable weight, it is still not clear how the limitations of claim 31 "would be used to prevent the need for an internal warehouse to look to an external warehouse if supply is unavailable internally." Again, claim 31 does not set forth any structure or functionality that sheds light on the importance or benefits of having an operator of a supply chain management system operate the first warehouse while the second warehouse is not operated by said operator of a supply chain management system. At best, claim 31 conveys that one person operates the first warehouse while another person operates the second warehouse. Examiner's comments made in the art rejection of claim 31 are geared toward the interpretation of the claim language as referring to a different person running each respective warehouse.

In conclusion, Applicant's arguments are deemed to be non-persuasive. Applicant's claim amendments are addressed in the art rejection below.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 11-14, 21-24, 26, and 31 are rejected under 35 U.S.C. 102(a, e) as being anticipated by Yang et al. (US 2001/0034673).

Yang discloses a system for supply chain management comprising:

[Claim 11] an order controller system including reverse logistic means for generating transfer data (Fig. 3; ¶¶ 21-24); and

a warehouse system receiving the transfer data and generating shipping data (¶¶ 19-20, 21-24);

[Claim 12] a distribution system receiving the transfer data and generating shipping data (¶¶ 19-20, 21-24, 35-37);

[Claim 13] wherein the order controller system further comprises an internal warehouse order system receiving the shipping data and modifying internal warehouse order data in response to the shipping data (¶¶ 19-20, 21-24, 35-37);

[Claim 14] wherein the warehouse system further comprises an inventory system receiving the shipping data and modifying inventory data in response to the shipping data (¶¶ 19-20, 21-24, 35-37 -- Inventory is managed at all warehouse locations to identify where inventory levels need to be adjusted, e.g., by transferring inventory from one location to another).

Yang discloses a system for supply chain management comprising:

[Claim 21] an order controller system having reverse logistic means for receiving warehouse inventory data and distribution center inventory data and generating transfer data to improve a distribution of inventory at a warehouse and a distribution center (¶¶ 19-20, 21-24, 35-37);

a warehouse system receiving the transfer data and generating shipping data (¶¶ 19-20, 21-24, 35-37); and

a distribution system receiving the transfer data and generating shipping data (¶¶ 19-20, 21-24, 35-37);

[Claim 22] wherein the order controller system further comprises an internal warehouse order system receiving the shipping data and modifying internal warehouse order data in response to the shipping data for a warehouse operated by an operator of the supply chain management system (¶¶ 19-20, 21-24, 35-37 -- Inventory is managed

at all warehouse locations to identify where inventory levels need to be adjusted, e.g., by transferring inventory from one location to another);

[Claim 23] wherein the order controller system further comprises an external warehouse order system receiving the shipping data and modifying external warehouse order data in response to the shipping data for a warehouse that is not operated by an operator of the supply chain management system (¶¶ 19-22, 25 -- All entities in the supply chain, both internal and external, are coupled to one another and may share inventory data);

[Claim 24] wherein the warehouse system further comprises an inventory system receiving the shipping data and modifying inventory data in response to the shipping data (¶¶ 19-20, 21-24, 35-37 -- Inventory is managed at all warehouse locations to identify where inventory levels need to be adjusted, e.g., by transferring inventory from one location to another).

Yang discloses a method for supply chain management comprising:

[Claim 26] receiving warehouse inventory data and distribution center inventory data and generating reverse logistics data to modify a distribution of inventory at a first warehouse and a second warehouse (¶¶ 19-20, 21-24, 35-37);

receiving the reverse logistics data at a first warehouse system and generating shipping data (¶¶ 19-20, 21-24, 35-37 -- Inventory is managed at all warehouse locations to identify where inventory levels need to be adjusted, e.g., by transferring inventory from one location to another); and

receiving the reverse logistics data at a second warehouse system and generating shipping data (¶¶ 19-20, 21-24, 35-37 -- Inventory is managed at all warehouse locations to identify where inventory levels need to be adjusted, e.g., by transferring inventory from one location to another);

[Claim 31] wherein the first warehouse is operated by an operator of a supply chain management system and the second warehouse is not operated by the operator of the supply chain management system, and priority is given to maintaining predetermined inventory levels at the first warehouse (¶¶ 19-20 -- An internal warehouse only looks to an external warehouse if supply is unavailable internally. In this sense, the internal entities give preference to the inventory levels at the first (internal or lower-level) warehouse(s)).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 25, 27-30, and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al. (US 2001/0034673), as applied to claims 21 and 26 above, in view of Singh et al. (US 2002/0169657).

[Claims 25, 27-30, 32-36] As per claims 25, 27-30, and 32-36, Yang discloses a forecast planning function that generates demand forecasts to help plan for short-term

and long-term inventory goals (¶¶ 33-35), including in a service parts environment with retail end-users, or customers (¶¶ 2, 36), yet Yang does not expressly teach a promotion management system generating promotion data, wherein the order controller system receives the promotion data and generates reverse logistics data to improve a distribution of inventory at a warehouse and a distribution center in response to the promotion data, or that the inventoried locations are retail locations. However, Singh makes up for these deficiencies in its teaching of a retail-based forecast and planning system that takes into account causal factors, such as new competitive products, price promotions, obsolete or superseded products, introduced and/or discontinued products, new product introductions, etc. when forecasting product demands (¶¶ 17, 80, 81, 84, 86, 87). Singh's forecasting techniques help to more accurately predict customer demands, thereby reducing stocking costs and distribution expenses, which leads to a reduction of the sales unit price of products and an enhancement of profit margins (see ¶ 4 of Singh). More generally, one of the main goals of Singh is to "proactively [predict] demand across multiple levels of the supply chain so as to avoid costly mismatches of demand and supply" (¶ 2). Similarly, Yang's main goal is to more effectively distribute inventory throughout a supply chain; therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Yang to adapt its reverse logistics order controller system (which includes demand forecasting capabilities) specifically to retail (claim 32) promotional management functions so that the order controller system receives promotion data (claim 25), such as product promotion data (claims 27, 33), product rollout data (claims

28, 34), product replacement data (claims 29, 35), or product deletion data (claims 30, 36), at the order controller to generate reverse logistics data to improve a distribution of inventory at a warehouse and a distribution center in response to the promotion data in order to more accurately predict customer demands, thereby reducing stocking costs and distribution expenses, which leads to a reduction of the sales unit price of products and an enhancement of profit margins (as suggested by Singh).

7. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al. (US 2001/0034673), as applied to claim 26 above.

[Claim 38] As per claim 38, Yang fails to expressly teach that the modification of the distribution of inventory at the first warehouse and the second warehouse is accomplished using regularly scheduled delivery vehicles. It should be noted that this limitation fails to further limit the step of "modification." In other words, all of the steps recited in independent claim 26 are performed the same regardless of whether the delivery vehicles transferring the inventory from one location to another are regularly or more sporadically scheduled. There is no calculation that makes modifications based on how the delivery vehicles are scheduled; therefore, the fact that the distribution of inventory is "accomplished using regularly scheduled delivery vehicles" has no bearing on the invention as a whole and therefore merits no patentable weight. Nevertheless, the Examiner submits that it is old and well-known in the art of business deliveries to schedule delivery vehicles to make regular deliveries at various locations of a business. For example, many business schedule a set pick-up/drop-off time at their various

locations in a close proximity to facilitate "interoffice" deliveries. This is especially important in business environments where delivery requests are consistently abundant. Since Yang works to more efficiently allocate inventory among its various stock locations, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to adapt Yang to function in an environment where distribution of inventory at the first warehouse and the second warehouse is accomplished using regularly scheduled delivery vehicles in order to facilitate quick and efficient inventory operations for optimum storage of and access to inventory on an ongoing basis.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susanna M. Diaz
Primary Examiner
Art Unit 3623

February 7, 2006